

May 27, 1981

LB 544

SENATOR CULLAN: Mr. President, members of the Legislature, this is the amendment which I have visited about with you and I know other members of the Legislature perhaps have and I think we tried to visit with every member of the Legislature about this particular amendment. I know the opposition to the amendment has also made an effort so I hope that we could handle this without a great deal of time consuming debate. What the amendment does, and I've had Pages distribute a copy to you just a few minutes ago, what the amendment does is set up a procedure whereby the State of Nebraska will determine whether it is in the public interest of the State of Nebraska before allowing state property to be crossed by a pipeline company or pipeline that does not have the right of eminent domain rather than automatically in allowing any entity to cross state property whether or not it is in the public interest. The current procedure for this process is that anyone who wants to cross underneath a state road files an application of permit with the Department of Roads. They then have to indicate that they submit their drawings and plans to make sure that they do not damage the road. They may have to post a bond and then after the construction is completed, the bond is returned and the job is completed. And these permits are granted as a matter of course irrespective of the nature of the project which will go underneath the road. I want to be very blunt with each member of the Legislature. My motive for presenting these amendments to LB 544 is my concern that the State of Nebraska automatically allows entities to cross state property without any determination as to whether or not it is in the best interest of the state to do that and that is why we have set up this public interest test. One of the entities that would be affected by this legislation would be the pipeline that is proposed to go through western Nebraska this summer or sometime which is the coal slurry pipeline and I have reasons to believe now that the ETSI Company is acquiring right-of-way in western Nebraska, that they will perhaps approach the State of Nebraska and request permits this year and that is the reason that I have decided to approach the Legislature at this point in time on LB 544 this late in the session to request you to approve these amendments. Now all the amendments say is that we will determine whether it is in the best interest of the public before we allow a pipeline to be constructed underneath the state property and we are not setting up a very rigid or difficult test here. The test is whether installation of the pipeline interferes or causes unreasonable hazards to the use of the right-of-way for highway purposes, whether it is a pipeline that serves the transportation interests and needs of the state. Here is an